

IN RE: PETITION FOR RESIDENTIAL  
ZONING VARIANCE  
SEC Dutton Ave. and Overhill Rd. /  
13 Dutton Avenue  
1st Election District  
1st Councilmanic District  
William A. Jenkins, et al  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-6-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) in the third of the lot closest to the street with a setback of 0 ft. 4 inches to the street right of way, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 13 Dutton Avenue, zoned D.R.2, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow an accessory structure (garage) in the third of the lot.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of August, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) in the third of the lot closest to the street with a setback of 0 ft. 4 inches to the street right of way, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. The Petitioners shall not allow the accessory structure to be used or occupied for any commercial activity.

4. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH/mm  
cc: Peoples Counsel

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3883  
J. Robert Haines  
Zoning Commissioner

August 21, 1990



Mr. William A. Jenkins  
Ms. Katherine F. Wade  
13 Dutton Avenue  
Baltimore, Maryland 21228

RE: Petition for Residential Zoning Variance  
Case No. 91-6-A

Dear Mr. Jenkins and Ms. Wade:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
J. Robert Haines  
Zoning Commissioner

JRH:mm  
encl.  
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To Allow An Accessory structure in the third of the lot closest to the street with a setback of 0 ft. 4 inches to the street R/W.

(See Attached)

MAP 20W 24  
E.D. 15  
DATE 11-14-91  
200 BF  
1000  
DP G

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Anticipated Settlement Date 5/8/90  
William A. Jenkins  
William A. Jenkins  
Katherine F. Wade  
William A. Jenkins  
Katherine F. Wade  
William A. Jenkins  
Katherine F. Wade

Contract Purchaser:  
William A. Jenkins  
William A. Jenkins  
13 Dutton Ave  
Baltimore Md 21228  
Address:  
Attorney for Petitioner:

(Type or Print Name)  
Signature  
Address  
Attorney's telephone number

Name  
City/State/Zip Code  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.  
William A. Jenkins  
Name  
City/State/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of July, 1990, that the subject matter of this petition be posted on the property on or before the 22nd day of July, 1990.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED ANYWAY FOUND TO BE NECESSARY, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of July, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County, at Room 108, County Office Building in Towson, Baltimore County, on the 22nd day of July, 1990, at 10:00 a'clock.

ORDER RECEIVED FOR FILING

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirm under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 13 Dutton Ave  
BALTO MD. 21228  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

To Construct A garage to house and protect  
two late model autos from elements.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature)  
William Armour Jenkins  
Affiant (Printed Name)  
Affiant (Handwritten Signature)  
William Armour Jenkins  
Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of May, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared William Armour Jenkins

the Affiant(s) herein, personally known to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5/23/90  
DATE

Donna J. Surgen  
NOTARY PUBLIC

My Commission Expires:  
My Commission Expires July 1, 1995

Beginning at a point on the east side of Dutton Ave., which is 30 feet wide, at the southeast corner of its meeting with Overhill Rd., which is 30 feet wide as shown on plat book 7, page 155, thence running southerly on the eastern side of Dutton Ave. for 130 feet thence running at right angle to Dutton in an easterly direction for 150 feet thence running northerly, and parallel to Dutton, for 32.85 feet thence running on the southwesterly side of Overhill for 104.51 feet and thence continuing on a curve on the southwesterly side of Overhill Rd. back to beginning point. The property being known as 13 Dutton Ave., containing 18,450 sq. ft., more or less, located in the 1st Councilmanic District, 1st Election District 10th Precinct of Baltimore County.



**Baltimore County**  
Zoning Commissioner  
County Office Building  
11 West Chesapeake Avenue  
Towson, Maryland 21204

**receipt**

Account: R-001-6150  
Number: **No 2895**

Date: \_\_\_\_\_

HEARING FEES: \_\_\_\_\_

POSTING SIGNS / ADVERTISING: \_\_\_\_\_

TOTAL: \$60.00

NAME OF OWNER: JENKINS

04A04#01161CHRC  
EA 0010:SPAM07-06-90

Please make checks payable to: Baltimore County

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

**J. Robert Haines**  
Zoning Commissioner

July 10, 1990

Mr. William A. Jenkins  
13 Dutton Avenue  
Baltimore, Maryland 21228

Re: CASE NUMBER: 91-6-A  
ITEM NUMBER: 5  
LOCATION: 13 Dutton Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

- Your property will be posted on or before July 25, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 9, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.
- Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.
- PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,  
*G. G. Stephens*  
G. G. Stephens  
(301) 887-3391

**CERTIFICATE OF POSTING**

**ZONING DEPARTMENT OF BALTIMORE COUNTY**

**Towson, Maryland**

District: 1st Date of Posting: July 17, 1990

Posted for: Residential Variance

Petitioner: William A. Jenkins and Katherine F. Wade

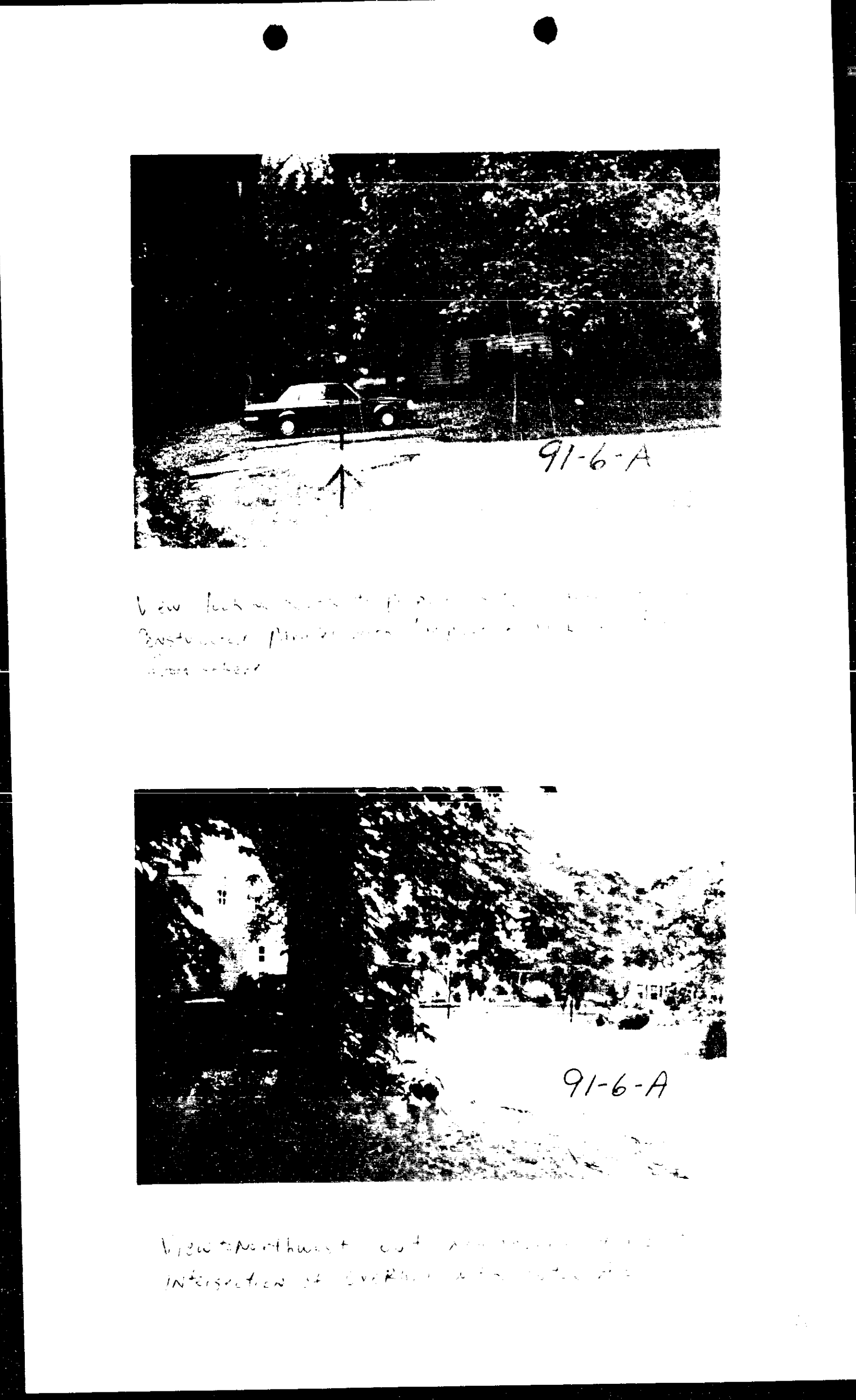
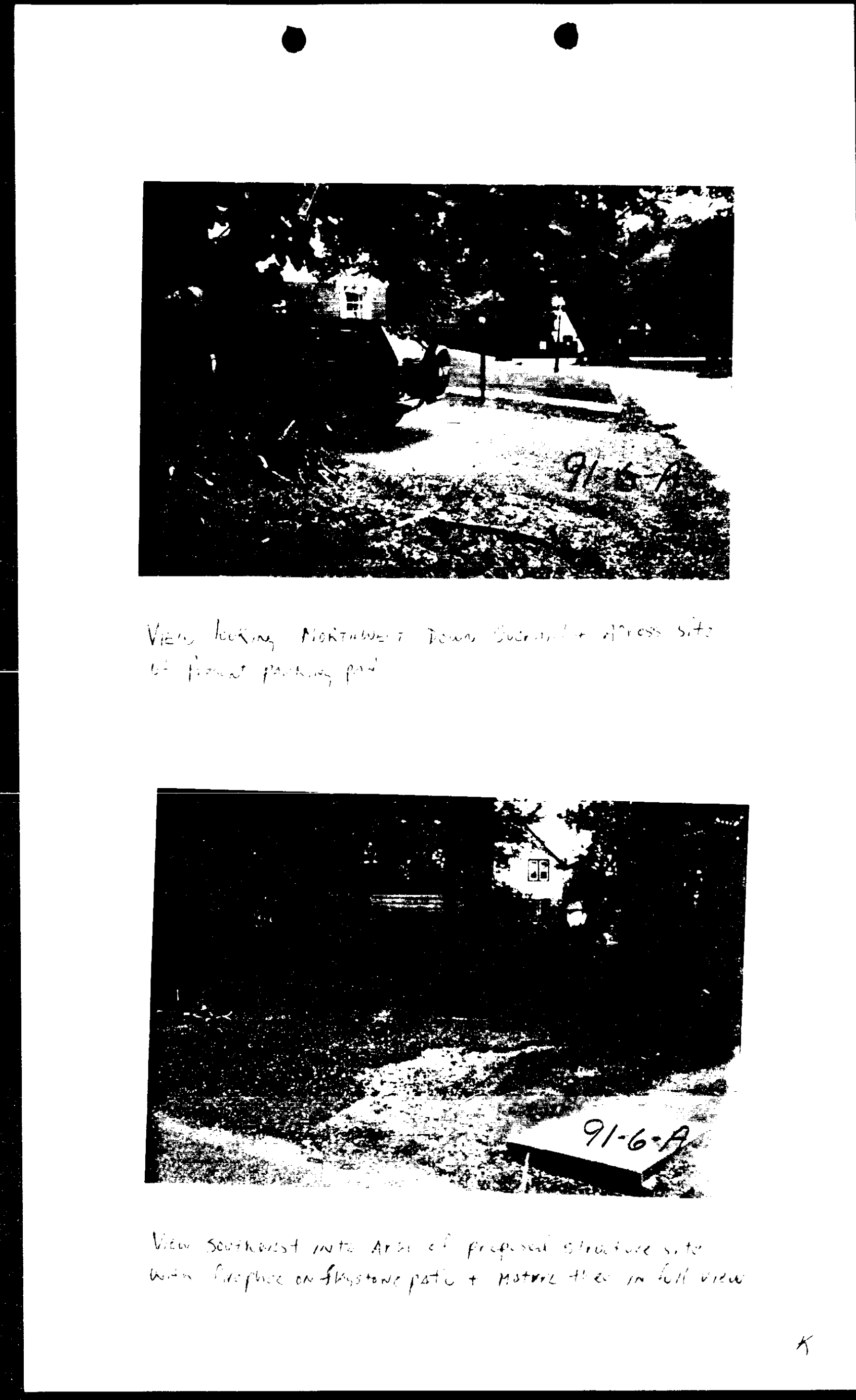
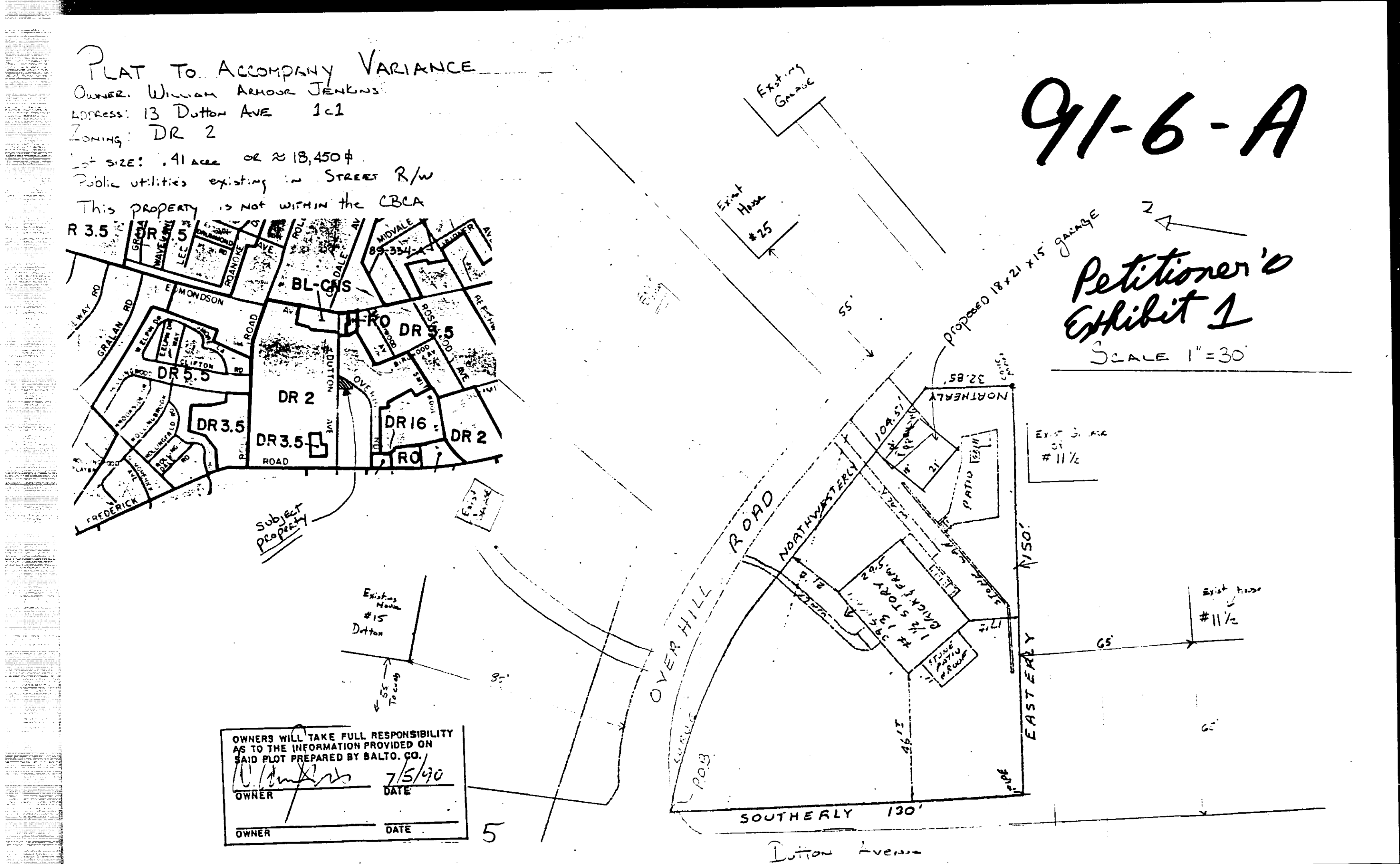
Location of property: 13 Dutton Avenue and Carroll Road

Location of Sign: On front of subject property, 13 Dutton Avenue

Remarks: See front of subject property

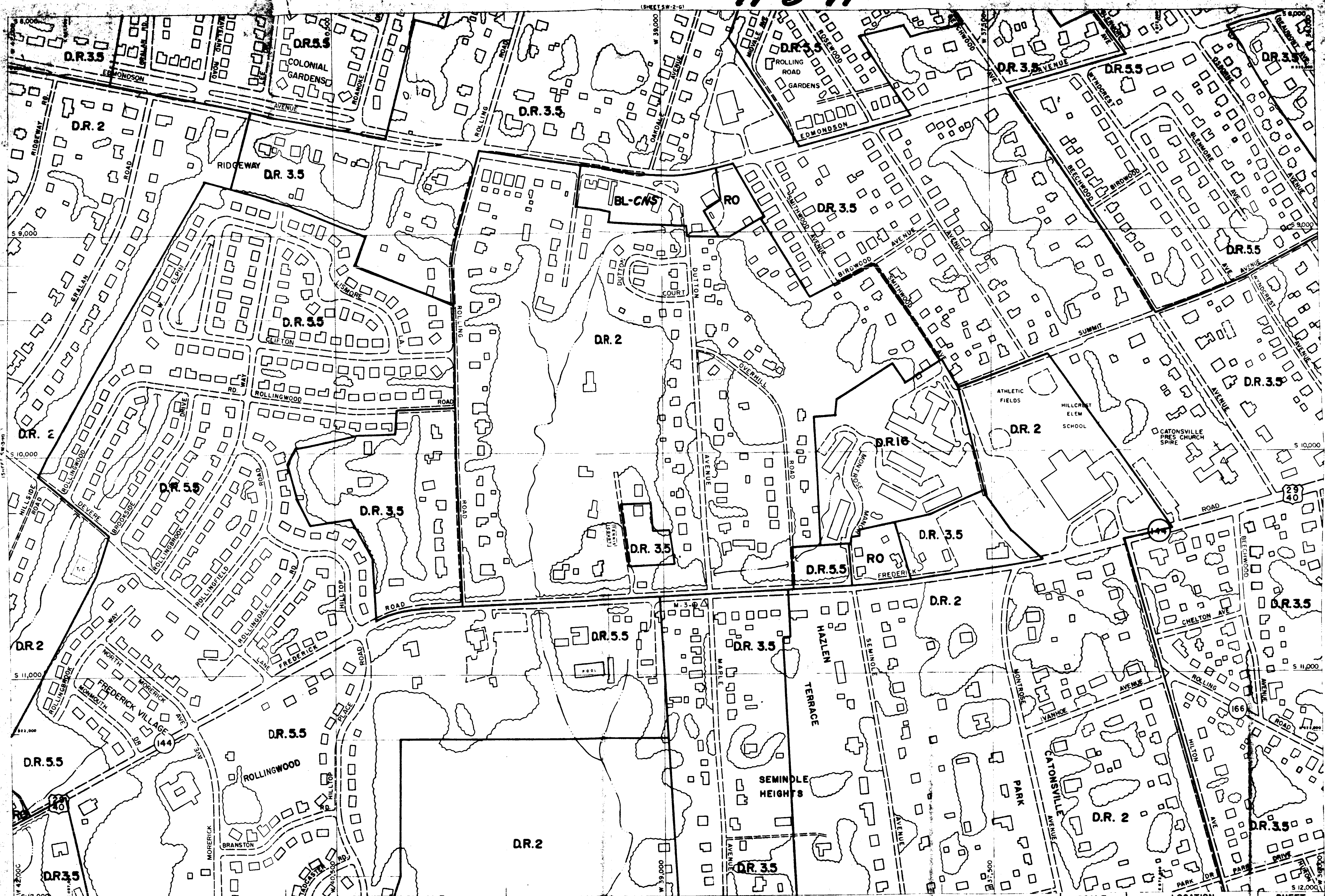
Posted by: S. J. Grate Date of return: July 20, 1990

Number of Signs: 2





91-6-A



H-NE  
H-SE

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
DR Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

|  |                         |                    |
|--|-------------------------|--------------------|
| SCALE<br>1" = 200' ±                         | LOCATION<br>CATONSVILLE | SHEET<br>SW<br>3-6 |
| DATE<br>OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |                         |                    |

91-6-A